UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,764	03/22/2005	Calin Turcanu	60091.00384	4676


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32294          7590          12/31/2007
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EXAMINER
DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
12/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/528,764	TURCANU, CALIN
	Examiner	Art Unit	
	PHUOC H. DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 October 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4,6,8-11 and 13-21</u> is/are rejected.

7)☒ Claim(s) <u>5,7 and 12</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee

set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the

fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous

Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 10/30/2007 has been entered.

Response to Arguments

Applicant's arguments filed 10/30/2007 have been fully considered but they

are not persuasive.

Applicant argues that, Each of independent claims 1, 9, 13, 19,

and 20, in part, , recites utilizing a bearer independent protocol in the

transmission of message, wherein the bearer independent protocol is above a

bearer protocol in a protocol stack that does not teach or suggest this feature

by the combination of Arques and Pimentel.

In response, make a note: See the specification described the

meaning "utilizing a bearer independent protocol defined for information

transmission enabling easy, preferably fast delivery of relevant information

and services to users. The bearer independent protocol is a mechanism

providing access to bearers and it means a protocol which is designed to be

as independent as possible from the underlying network technology. The

bearer independent protocol typically stands on top of a bearer transport

protocol. Examples of bearers are HTTP (hypertext transfer protocol), TCP

(transmission control protocol), UDP (user datagram protocol) and other

technologies using IP (Internet Protocol), TDMA (time division multiple

access), CDMA (code division multiple access), ATM (asynchronous

transfer mode), etc". Therefore, "bearer utilizing a bearer independent

protocol in the transmission of message, wherein the bearer independent

protocol is above a bearer protocol in a protocol stack was not difference

from the prior art of Pimentel clearly discloses the first protocol and second

protocol, wherein the message is sent and receive based on the protocol such

as **UDP, and IP** (See page 3, par. [0030], page 4, par. [0038]) described in

specific how the both end mobile devices in communication that sent a

message and receive a message used by protocols have supported by server

application (backend system 84) on the wireless networks and The bearer

independent protocol typically stands on top of a bearer transport protocol

such a protocol UDP in connectivity by TCP/IP which common protocol

link between the difference systems, such as a Wireless Access Gateway to

TCP/IP "transmission control protocol/internet protocol".

Conclusion, the prior art in the combination of Arques and Pimentel are

maintained in rejection, unless the claimed invention in specifically details

which based on the original specification to over come the prior art.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims **1-4, 6, 8-11, and 13-21** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pimentel in view of **Arques (US Pub No: 2004/0131083)**.

As to claim 1, 19, Pimentel discloses a method of transmitting a messaging service

message from a sender in a first system having a first structure for messages to a

receiver of **a second system "multiple integrated networks, page 3, par. [0029]"**

having a second structure for the messages (page 2, par. [0014-0018]), and

utilizing a particular protocol, i.e **"means for choosing a protocol using a**

characteristic of the mobile terminated message..." in the transmission of the

message between a server "Fig. 5, item 84" and user equipment "Fig. 5, item 24"

(page 2, par. [0017-0019], page 3, par. [0033]). However, Pimentel does not

disclose to utilize a bearer independent protocol proving access to bearers.

In the same field of endeavor, Arques discloses to utilize bearer independent

protocol proving access to bearers (page 1, par. [0008]). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made

to provide of utilizing a bearer independent protocol proving access to bearers as

taught by Arques to the system of Pimentel in order to allow reliable

telecommunication system.

As to claim 2, Pimentel further discloses the method according to claim 1, further

comprising: supporting the bearer independent protocol in a receiver's equipment;

receiving the message having the first structure in a server comprising an

application according to the bearer independent protocol (page 3, par. [0031-

0033]); converting the message to have a structure of the bearer independent

protocol (page 3, par. [0033]), and transmitting the converted message from the

server to the receiver's equipment using the bearer independent protocol (page 4,

par. [0036]).

As to claim 3, Pimentel further discloses the method according to claim 1, further

comprising: supporting the bearer independent protocol in a sender's equipment

(page 3, par. [0033]); and transmitting the message from the sender's equipment to

the receiver's equipment using the bearer independent protocol (page 3, par. [0034-

0035]).

As to claim 4, 16, 20, 21, Pimentel further discloses further comprising: if the

message transmission to the receiver's equipment fails (page 3, par. [0033-0035]);

converting the message to have the second structure (page 3, par. [0033-0035]; and

transmitting the message to the receiver's equipment in the second structure (page

3, par. [0033-0035]).

As to claim 6, Pimentel further discloses the method according to claim 1 further

comprising: receiving the message having the bearer independent protocol

structure in a server comprising an application according to the bearer independent

protocol (page 3, par. [0030], [0034]); converting the message to have the second

structure (page 3, par. [0031-0033]); and transmitting the converted message from

the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par.

[0036]).

As to claim, 17, Pimentel further discloses all the limitations of claim in page 3,

par. 0034], page 4, par. [0036].

As to claim 8, 18, Pimentel further discloses all the limitations of claim in page 4,

par. [0041] **"employ an IP interface to provision for UDP/IP services"**.

As to claim 9, 13, Pimentel discloses a telecommunication system comprising at a

first system having a first structure for messaging service messages (page 1, par.

[0003-0010]); a second system having a second structure for the messages (page 1,

par. [0010], page 2, par. [0014-0018]); and a server "Fig. 1, item 84 that indicated

Backend systems 84" via which a message is transmitted from the first system to

the second system **"multiple integrated networks, page 3, par. [0029]"** (page 3,

par. [0030-0034]); the server being configured to utilize a bearer independent

protocol for transmitting the message (page 3 through page 4, par. [0034-0039]).

However, Pimentel does not disclose to utilize a bearer independent protocol

proving access to bearers.

In the same field of endeavor, Arques discloses to utilize bearer independent

protocol proving access to bearers (page 1, par. [0008]). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made

to provide of utilizing a bearer independent protocol proving access to bearers as

taught by Arques to the system of Pimentel in order to allow reliable

telecommunication system.

As to claim 10, Pimentel further discloses the telecommunication system

according to claim 9, wherein the first system comprises a network node having

functionality related to messaging services within the first system (page 3, par.

[0030]), the network node being configured to recognise the message sent to the

second system and forward the message to the server (page 3, par. [0031-0035]).

As to claim 11, Pimentel further discloses all the limitation of claim in page 4, par.

[0036-0039].

As to claim 14, Pimentel further discloses a server according to claim 13, wherein

the server is configured (page 4, par. [0039]), in response to receiving the message

having the first structure (page 3, par. [0035]), to convert the message to have a

structure according to the bearer independent protocol before forwarding the

message (page 4, par. [0036]).

As to claim 15, Pimentel further discloses a server according to claim 14, wherein

the server is configured (page 3, par. [0030-0033]), in response to receiving a

message having a structure according to the bearer independent protocol (page 3,

par. [0034]), to convert the message to have the second structure before forwarding

the message (page 4, par. [0036]).

Allowable Subject Matter

4.   Claims **5, 7, and 12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 5, 12, the prior art of record does not disclose the method according to claim 1, further comprising: supporting the bearer independent protocol in the sender's equipment; sending the message from the sender's equipment according to the bearer independent protocol; receiving the message in a server comprising an application according to the bearer independent protocol; converting the received message from the bearer independent protocol structure to the second structure; and transmitting the converted message from the server to the receiver's equipment.

As to claim 7 is dependency in independent claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax

phone number for the organization where this application or proceeding is assigned

is 571-273-8300.

Information regarding the status of an application may be obtained from the

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direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to

the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

Examiner: Phuoc Doan
12/21/07

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER